

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,

No. C-09-5235 MMC

Plaintiff,

**ORDER DENYING POWER
INTEGRATIONS' MOTION TO EXCLUDE
TESTIMONY OF DR. GU-YEON WEI AND
DR. JONATHAN WOOD**

v.

FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., et al.,

Defendants.

Before the Court is Power Integrations' Motion to Exclude Testimony of Dr. Gu-Yeon Wei and Dr. Jonathan Wood, filed September 27, 2013. Defendants Fairchild Semiconductor International, Inc., Fairchild Semiconductor Corporation, and System General Corporation (collectively, "Fairchild") have filed opposition, to which Power Integrations has replied. The matter came on regularly for hearing on November 21, 2013. Frank E. Scherkenbach, Howard G. Pollack, and Michael R. Headley of Fish & Richardson P.C. appeared on behalf of Power Integrations. Blair M. Jacobs, Christina A. Ondrick, Terrence P. McMahon, and Leigh J. Martinson of McDermott Will & Emery LLP appeared on behalf of Fairchild.

1. Dr. Wei

For the reasons discussed on the record at the hearing, the Court finds Dr. Wei may offer the opinions challenged by the instant motion only if a foundation for the tests on

1 which he relies is laid by one or more of the individuals who conducted the testing. The
 2 Court further finds, for the reasons discussed at the hearing, that although Fairchild should
 3 have disclosed the testing and said individuals' participation therein at the time Fairchild
 4 first became aware of such information, see Fed. R. Civ. P. 26(a)(1), 26(e), Power
 5 Integrations has known of Dr. Wei's reliance thereon since August 22, 2013, the date on
 6 which Power Integrations was served with Dr. Wei's report, and will not be prejudiced by
 7 the delayed disclosure if afforded the opportunity to depose the individuals who conducted
 8 the testing, see Fed. R. Civ. P. 37(c)(1).

9 Accordingly, the motion to exclude the opinions of Dr. Wei is hereby DENIED, on the
 10 condition that Fairchild make the above-referenced individuals, specifically Wei-Hsuan
 11 Huang and Eddie Chueh, available for deposition at a reasonable time and place, either in
 12 the United States or in Taiwan, at Power Integrations' election.


13 **2. Dr. Wood**

14 For the reasons discussed on the record at the hearing, the Court finds Fairchild has
 15 made a sufficient showing as to the "relevance and reliability" of the challenged opinions
 16 offered by Dr. Wood. See Barabin v. AstenJohnson, Inc., 700 F.3d 428, 431 (9th Cir.
 17 2012); see also Daubert v. Merrell Dow Pharmaceuticals, Inc., 43 F.3d 1311, 1315-16 (9th
 18 Cir. 1995) (requiring district court to determine whether expert's testimony "amounts to
 19 'scientific knowledge,' constitutes 'good science,' and was 'derived by the scientific
 20 method,'" as well as whether it is "relevant to the task at hand") (quoting Daubert v. Merrell
 21 Dow Pharmaceuticals, Inc., 509 U.S. 579, 590, 593, 597 (1993)).

22 Accordingly, the motion to exclude the opinions of Dr. Wood is hereby DENIED.

23 **IT IS SO ORDERED.**

24 Dated: November 26, 2013


 MAXINE M. CHESNEY
 United States District Judge